

REMARKS

Claims 1-10 are pending in this application. By this Amendment, claims 1, 2, 4, 5 and 7-10 are amended.

Claim 2 is amended to insert the chemical formula (1) in order to address the claim objection.

Claims 1, 2, 4, 5 and 7-10 are amended for consistency, conformance with U.S. practice and antecedent basis.

No new matter is added.

Claim Objection

Claim 2 is objected to as not reciting formula (1) or the definition of R₁. Claim 2 is amended to insert the chemical formula (1) and the definition of R₁ to address this objection.

Applicants request withdrawal of the objection.

Rejections Under 35 U.S.C. §102(a) And §103(a)

Claims 1, 3-5 and 8 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Takei (WO 2004/061526; relying upon English equivalent Takei '718 (U.S. Patent No. 7,361,718) as an English translation of Takei).

Claims 2, 6, 7, 9 and 10 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Takei.

Applicants submit herewith a verified English translation of JP 2003-370354, filed October 30, 2003, to which the present application claims priority.

Takei (WO 2004/061526) was filed December 25, 2003 and published July 22, 2004 in Japanese. Takei (WO 2004/061526) thus does not have a 35 U.S.C. §102(e) date (as it was not published in English), and has a 35 U.S.C. §102(a) date of July 22, 2004. The corresponding Takei U.S. publication and patent also have no §102(e) dates, and an earliest §102(a) date of February 23, 2006 (the publication date of the application). Because the

present application is entitled to the October 3, 2003 priority date as evidenced by the attached translation, Takei does not qualify as prior art under 35 U.S.C. §102(a).

The rejections under 35 U.S.C. §102(a) and §103(a) are thus obviated.

Applicants request withdrawal of the rejections.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:DSK/can

Attachments:

Petition For One Month Extension Of Time
Verified English Translation Of JP 2003-370354

Date: July 16, 2009

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